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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13
14 RAVNEET SINGH (1),
ELECTIONMALL, INC. (2),
15 MARCO POLO CORTES (3),

16 Defendants.
17

Case Nos.: 14CR0387-MMA

UNITED STATES' UNOPPOSED *EX*
***PARTE* MOTION FOR PROTECTIVE**
ORDER

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19 The plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Cindy
20 M. Cipriani, Acting United States Attorney, and Timothy C. Perry, Assistant United States
21 Attorney, hereby moves the Court *ex parte* for a protective order to permit the United
22 States to produce materials otherwise protected from disclosure by Fed. R. Crim. P. 6, and
23 to safeguard against the disclosure of discovery materials to persons outside the defense
24 teams.
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I**ARGUMENT****A. United States' Obligations to Disclose Information**

As part of its statutory and Constitutional obligations to provide discovery in this case, the United States is required to disclose to the defendants, among other things, materials covered by the Jencks Act (18 U.S.C. § 3500), Brady v. Maryland, and Fed. R. Crim. P. 16 and 26.2. For purposes of this motion, these materials are referred to generically as “discovery” or “discovery material.”

Thus far, the United States has invited defense counsel for each defendant in the above-captioned cases to view discovery material at the offices of the FBI. In addition, the United States has produced, and intends to continue to produce, discovery material, including witness statements, tax information and otherwise sealed documents sufficiently in advance of trial to allow counsel to prepare for trial and to obviate the need for a recess of the proceedings. To the extent these discovery obligations conflict with the United States' obligations of secrecy under Fed. R. Crim. P. 6(e), the United States respectfully requests that this Court enter an order directing the United States to provide defense counsel with grand jury testimony and materials subpoenaed by the grand jury in order to satisfy its discovery obligations. To the extent these materials are tax information obtained from the Internal Revenue Service pursuant to Title 26, United States Code, Section 6103(i)(4)(A), the United States requests that this Court enter an order permitting

1 the United States to disclose that tax information. To the extent the United States must
2 disclose otherwise sealed pleadings to the defense, the United States requests an order
3 permitting it to do so. Finally, the United States moves this Court to limit the parties'
4 ability to disclose discovery material to individuals not involved in the above-captioned
5 cases.
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7 **B. Protective Order**
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9 This court has the power to issue “protective and modifying orders” regulating
10 discovery. Fed. R. Crim. P. 16(d)(1). Specifically, “[a]t any time the court may, for good
11 cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief.”
12 Id.; see Alderman v. United States, 394 U.S. 165, 185 (1969) (“the trial court can and
13 should, where appropriate, place a defendant and his counsel under enforceable orders
14 against unwarranted disclosure of the materials which they may be entitled to inspect”).
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16 In this case, most of the documents have been designated as confidential by the
17 entities that produced them. Certain of these documents, such as financial institution
18 records, necessarily contain private information about the defendants and other individuals
19 and entities. Such information must be protected from disclosure in the open public
20 record. See General Order No. 514-C (directing that documents containing Social
21 Security Numbers, dates of birth, financial account information, and home addresses be
22 redacted from public filings). Similarly, tax information, including tax returns of third
23 parties, may contain private information and should likewise be protected from disclosure
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1 to the public. To the extent practicable, these privacy and confidentiality concerns should
2 be respected by the parties to ensure that unnecessary harm is not caused in the course of
3 these proceedings.
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5 The United States submits that a limited protective order covering the pre-trial use
6 of these materials is appropriate and will not undermine the defendant's rights. The
7 proposed order seeks to protect against damage to financial and tax information,
8 reputation and privacy. Moreover, the protective order is narrowly tailored to only cover
9 evidence obtained through the criminal discovery process, and does not preclude any party
10 from using such evidence in a filing or during a hearing or trial. In sum, these restraints
11 on the use of criminal discovery are narrowly tailored to achieve the goals of protecting
12 against unnecessary disclosure of confidential personal and business information, and are
13 justifiable uses of this Court's authority.
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17 Here, the disclosure of discovery should be limited to only those individuals who
18 are personally involved in preparing the defense and trial of this criminal case and for no
19 other purpose. Consequently, the United States moves for a protective order to safeguard
20 this discovery from disclosure to persons outside of the defense team. For purposes of
21 this motion, the "defense team," refers to the defendants, attorneys of record as indicated
22 on the docket in the above-captioned cases and any superseding case only, and paralegals,
23 investigators, experts, and secretaries employed by the attorneys of record and performing
24 work on behalf of the defendants in this criminal case only.
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1 The protective order should:

2 1. Authorize the United States to disclose information otherwise protected by
3 Federal Rule of Criminal Procedure 6(e);

4 2. Authorize the disclosure of tax returns and tax information to the defense;

5 3. Authorize the disclosure of otherwise sealed documents;

6 4. Prohibit the members of each defense team from distributing, disseminating,
7 disclosing or exhibiting discovery to any person who is not part of that defense team, a
8 witness or an attorney assisting the defense team, and for any purpose other than preparing
9 a defense of this case;

10 5. Require each counsel of record to ensure that every member of his/her
11 defense team is advised of the protective order and has signed a written acknowledgment,
12 filed with this Court, to be bound by its terms;

13 6. Require that if, in the course of preparing the defense in this case, counsel of
14 record or any member of the defense team needs to exhibit discovery material to a witness
15 or another attorney, such witness or attorney is notified of the limitations dissemination of
16 discovery material;

17 7. Require that if discovery material is exhibited to a witness or attorney, the
18 discovery be only shown to, and not left with, that witness or attorney; and
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